

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	Case No. 1:20-CR-143
v.)	
)	Honorable T.S. Ellis, III
ZACKARY ELLIS SANDERS,)	
)	Sentencing: March 4, 2022
<i>Defendant.</i>)	
_____)	

**GOVERNMENT’S RESPONSE IN OPPOSITION TO DEFENDANT’S
MOTION TO CONTINUE SENTENCING**

On January 20, 2022, the defendant moved to continue the sentencing in this matter. The United States of America, by and through undersigned counsel, files this response in opposition.

On March 19, 2020, the defendant was charged by complaint with production of child pornography. ECF No. 1. A federal grand jury then returned an indictment against him on June 24, 2020, charging him with production, receipt, and possession of child pornography. ECF No. 29. The production and receipt charges involved online chats he had with six different minors, in which he had the minors create and send him sexually explicit images and videos of themselves. The possession charge involved different images and videos of other minors engaged in sexually explicit conduct that law enforcement found on multiple of his electronic devices in his bedroom. A federal jury heard the evidence against the defendant and, on October 27, 2021, found him guilty of all charges. ECF No. 541. The Court set sentencing for March 4, 2022, providing the defendant with over four months to prepare for the hearing.

Since the outset of this case, the defendant has sought multiple continuances as he has added lawyers, consultants, and experts to his defense team. Leading up to trial, he was evaluated by multiple mental health professionals and hired multiple forensic examiners to review the

evidence. At trial, at least four attorneys were present on his behalf, and at least four others had entered notices of appearances and worked on his defense beforehand.

On January 20, 2022, a ninth attorney noticed his appearance on behalf of the defendant and moved for a continuance of the sentencing hearing to allow him additional time to meet with the defendant in light of COVID-related visitation restrictions at the Alexandria Detention Center (“ADC”). ECF No. 567. Given that the defendant’s other attorneys continue to represent him in this matter and given the length of time that the defense has had to review the evidence, meet with the defendant, and consult with various experts, the government opposes the defendant’s motion. Further, the government understands that ADC facilities reopened as of January 22, 2022, and that the procedures for scheduling inmate visits have been reinstated, providing the defendant’s newest attorney with an adequate opportunity to meet with him and the rest of the defense team in advance of sentencing, which is still six weeks away (and is more than four months from the jury’s verdict). Finally, since the filing of the defendant’s motion, the government has sought to advise the victims of the motion and understands that two victims object to the requested continuance. These victims have “the right to proceedings free from unreasonable delay,” 18 U.S.C. § 3771(a)(7), and under the present circumstances, a continuance would not be reasonable. They should be given the chance to move on with their lives.

Accordingly, the United States respectfully requests that the Court deny the defendant's motion to continue sentencing. ECF No. 567.

Respectfully submitted,

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